

LAW OFFICES

KILYK & BOWERSOX, P.L.L.C.*Intellectual Property Law*

LUKE A. KILYK* (PA, DC)
LEONARD D. BOWERSOX
MATTHEW T. GILL
DINH X. NGUYEN

400 Holiday Court, Suite 102
WARRENTON, VA 20186

FAIRFAX OFFICE
3603-E Chain Bridge Road
Fairfax, Virginia 22030

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Of Counsel:
LAWRENCE B. BUGAISKY, Ph.D.* (DC)
WILLIAM CHARLES JAMISON, Ph.D.

TEL.: (540) 428-1701
FAC.: (540) 428-1720
(540) 428-1721

Email: lkilyk@kbpattentlaw.com
Website: <http://www.kbpattentlaw.com>

*Admitted only in states indicated


PLEASE DIRECT CORRESPONDENCE TO OUR WARRENTON OFFICE

FACSIMILE TRANSMISSION COVER SHEET

DATE: February 14, 2006

TO: Commissioner for Patents
Attention: Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

RE: U.S. Patent Application No. 10/083,657
For: METHODS OF MAKING A NIOBIUM METAL OXIDE
Our Ref: 01017CIP (3600-346-01)

FROM: Luke A. Kilyk, Esq. 

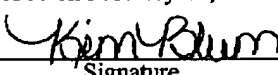
FAC. TEL. NO.: 1-571-273-8300

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 22

Items Attached: Renewed Petition to Withdraw Improper Holding of Abandonment -- 3 pages
Copy of as-filed Amendment dated August 3, 2005 -- 13 pages
Copy of Auto-Reply Facsimile Transmission dated August 3, 2005 -- 1 page
Declaration of Kim Blum according to MPEP §512 -- 2 pages
Copy of Decision on Petition to Withdraw Improper Holding
of Abandonment dated January 27, 2006 -- 2 pages

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300 on February 14, 2006.

Kim Blum
Name (Print)


Signature

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Kim Blum
Name (Print)


Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kitchell et al.)	Examiner: Mark Rosenbaum
)	
Application Number: 10/083,657)	Group Art Unit: 3725
)	
Filed: February 25, 2002)	Confirmation No.: 9489
)	
Docket No.: 01017CIP (3600-346-01))	

**RECEIVED
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For: METHODS OF MAKING A NIOBIUM METAL OXIDE

**RENEWED PETITION TO WITHDRAW IMPROPER HOLDING OF
ABANDONMENT**

Commissioner for Patents
Attention: Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

February 14, 2006

Sir:

The applicants petition the United States Patent and Trademark Office to withdraw any holding of abandonment of the above-identified U.S. patent application based on the failure of the applicants and their representatives to file a timely reply to the Office Action mailed on May 4, 2005. As set forth below, the undersigned firmly believes that the Notice of Abandonment issued by the U.S. Patent and Trademark Office on December 30, 2005 was erroneously issued.

This petition is filed under the provisions of 37 C.F.R. §1.181 as well as the guidance provided by MPEP §711.03(c).

In more detail, the undersigned attorney of record for the applicant filed an Amendment on August 3, 2005 via facsimile in response to the Office Action issued by the U.S. Patent and

U.S. Patent Application No.: 10/083,657
Renewed Petition to Withdraw Improper Holding
of Abandonment dated February 14, 2006
Reply to Notice of Abandonment dated December 30, 2005

Trademark Office dated May 4, 2005. A copy of the as-filed Amendment, together with a copy of the Auto-Reply confirming receipt of the facsimile transmission, are attached hereto.

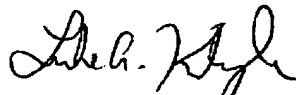
Furthermore, the undersigned did not receive a telephone call from the Examiner informing the undersigned that a Notice of Abandonment will issue in the above-identified application due to the Examiner not receiving a reply to the Office Action dated May 4, 2005, even though one was timely filed.

A decision on the petition filed January 19, 2006, by Petitions Attorney Kenya A. McLaughlin was mailed on January 27, 2006. The petition was dismissed because the Attorney stated that although the record reflects that the subject certificate under 37 C.F.R. 1.8 was signed by Kim Blum, a statement of personal knowledge by Kim Blum regarding the timely transmission of the amendment did not accompany the petition document, as set forth in MPEP §512. Therefore, a statement of personal knowledge by Kim Blum now accompanies this renewed petition as filed.

In view of the above, the undersigned can attest that a response to the Office Action dated May 4, 2005 was timely filed for the above-identified U.S. patent application. Accordingly, the United States Patent and Trademark Office is respectfully requested to grant this petition and to withdraw any holding of abandonment in the above-identified U.S. patent application.

In the event any fees are required in connection with this paper, please charge Deposit Account No. 50-0925.

Respectfully submitted,



Luke A. Kilyk
Reg. No. 33,251

U.S. Patent Application No.: 10/083,657
Renewed Petition to Withdraw Improper Holding
of Abandonment dated February 14, 2006
Reply to Notice of Abandonment dated December 30, 2005

Atty. Docket No. 01017CIP (3600-346-01)
KILYK & BOWERSOX, P.L.L.C.
400 Holiday Court, Suite 102
Warrenton, VA 20186
Tel.: (540) 428-1701
Fax: (540) 428-1720

Enclosures: Copy of as-filed Amendment dated August 3, 2005 (13 pages)
Copy of Auto-Reply received from U.S. Patent & Trademark Office (1 page)
Declaration of Kim Blum according to MPEP §512 (2 pages)
Copy of Decision on the Petition to Withdraw Improper
Holding of Abandonment dated January 27, 2006 (2 pages)

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Kim Blum
Name (Print)


Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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For: METHODS OF MAKING A NIOBIUM METAL OXIDE

DECLARATION OF KIM BLUM ACCORDING TO MPEP §512
TO ACCOMPANY THE RENEWED PETITION
TO WITHDRAW IMPROPER HOLDING OF ABANDONMENT

Commissioner for Patents
Attention: Office of Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

February 14, 2006

Sir:

I, Kim Blum, hereby declare and certify, to the best of my personal knowledge, that I am the person who personally faxed the Amendment dated August 3, 2005 for U.S. Patent Application No. 10/083,657 to the U.S. Patent and Trademark Office at facsimile number 1-571-273-8300, and that I am the person who signed the certificate of facsimile transmission for said Amendment to the U.S. Patent and Trademark Office at facsimile number 1-571-273-8300 on August 3, 2005. This particular certificate is mentioned in the Petition to Withdraw Improper Holding of Abandonment filed on January 19, 2006, and on the Renewed Petition to Withdraw Improper Holding of Abandonment dated February 14, 2006.

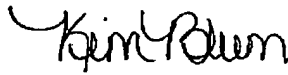
U.S. Patent Application No.: 10/083,657

Declaration of Kim Blum According to MPEP §512 dated February 14, 2006

Reply to Notice of Abandonment dated December 30, 2005

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Account No. 50-0925.

Respectfully submitted,

A handwritten signature in black ink that reads "Kim Blum". The signature is written in a cursive, flowing style.

Kim Blum

Atty. Docket No. 01017CIP (3600-346-01)

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